

REMARKS

Claims 1-7 and 17-19 are now pending in the application. Claims 21-25 have previously been withdrawn and claims 8 and 20 have been canceled. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein. No new matter has been added.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-7 and 17-19 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Fernandez (U.S. App. Pub. No. 2005/0165400). This rejection is respectfully traversed.

Applicants note that claim 1 has been amended to include the recitations of claim 8 and claim 17 has been amended to include the recitations of claim 20 rendering this rejection moot.

In view of the above remarks, Applicants respectfully request the Examiner to reconsider and withdraw the rejections of claims 1 and 17. Since claims 2-7 depend from claim 1 and claims 18-19 depend from claim 17, for the same reasons applicable to claims 1 and 17, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 2-7 and 18-19.

ALLOWABLE SUBJECT MATTER

Applicants wish to thank the Examiner for the indication that claims 8 and 20 are allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As set forth above, claims 8 and 20 have been canceled and the recitations have been added to claims 1 and 17 placing the claims 1 and 17 in condition for allowance.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned attorney at (610) 930-1800 x1174.

No additional fees are believed due for this submission, however, if any additional fees are required; please charge such fees to Globus Medical Deposit Account No. 50-4131.

Respectfully submitted,

Dated: February 3, 2011

By:


Mebul Jani, Reg. No. 51,380

GLOBUS MEDICAL INC.
Valley Forge Business Center
2560 General Armistead Avenue
Audubon, PA 19403
(610) 930-1800